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Attorneys for Defendants
RIOT BLOCKCHAIN, INC.,
JOHN O'ROURKE, and
JEFFREY G. McGONEGAL

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CREIGHTON TAKATA, Individually and on
behalf of all others similarly situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC. F/K/A,
BIOPTIX, INC., JOHN O'ROURKE, and
JEFFREY G. McGONEGAL,

Defendants.

Civil No. 3:18-CV-02293

**STIPULATION REGARDING FILING
OF CONSOLIDATED COMPLAINT
AND MOTION TO DISMISS**

Plaintiff Creighton Takata ("Plaintiff") and defendants Riot Blockchain Inc., John O'Rourke, and Jeffrey G. McGonegal ("Defendants") hereby stipulate to set the pleading and briefing schedule in the above-captioned action.

WHEREAS, on February 17, 2018, Plaintiff filed this purported class action Complaint asserting claims against Defendants pursuant to Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (“Exchange Act”) (*see* Dkt No. 1);

WHEREAS, Defendants have agreed to accept service of the purported class action complaint filed on February 17, 2018;

WHEREAS, this case and is governed by the Private Securities Litigation Reform Act of 1995 (the “Reform Act”), 15 U.S.C. §78u-4, *et seq.*;

WHEREAS, pursuant to the Reform Act, 15 U.S.C. §78u-4(a)(3)(A)(i)(II), the deadline for any Riot Blockchain shareholder to move to be appointed Lead Plaintiff and for appointment of Lead Counsel has not yet passed in this action;

WHEREAS, Plaintiff and Defendants in this action anticipate that following appointment of Lead Plaintiff and Lead Counsel pursuant to the Reform Act, 15 U.S.C. §78u-4(a)(3)(B)(i), as well as the anticipated consolidation of this action and related actions filed in other venues, the Lead Plaintiff will file a consolidated class action amended complaint, which will function as the operative complaint in the consolidated litigation;

WHEREAS, in light of the foregoing, Plaintiff and Defendants have agreed to extend the time for Defendants to answer, move, or otherwise respond to the Complaint until after appointment of Lead Plaintiff and Lead Counsel to represent the putative class and after the Lead Plaintiff files a consolidated class action complaint; and

WHEREAS, Plaintiff and Defendants agree that their proposed schedule would account for the Reform Act’s lead plaintiff provisions, allow the parties to adequately address the complex factual and legal issues involved in this securities class action, and accommodate the schedules of the attorneys assigned to this case.

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for Plaintiff and the attorneys for Defendants, as follows:

1. The Lead Plaintiff shall file a consolidated class action complaint within 60 days following the appointment of Lead Plaintiff and Lead Counsel in the consolidated action.
2. Defendants shall answer, move, or otherwise respond to the consolidated class action complaint within 60 days of the filing of the consolidated class action complaint.
3. If the Defendants move to dismiss the consolidated class action complaint, the Lead Plaintiff shall have 45 days to respond to the Defendants' motion, and Defendants will thereafter have 45 days to file their reply brief in support of their motion to dismiss.
4. Nothing herein waives or modifies any rights, defenses, or positions of any party.

Dated: March 30, 2018,

PAUL HASTINGS LLP

By: /s/ Chad J. Peterman

Chad J. Peterman

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Thomas A. Zaccaro (*pro hac* application
forthcoming)

Nicolas Morgan (*pro hac* application
forthcoming)

D. Scott Carlton (*pro hac* application
forthcoming)

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By: /s/ Laurence M. Rosen

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Attorneys for Plaintiff
CREIGHTON TAKATA

SO ORDERED:

Honorable Freda L. Wolfson

Dated: _____